

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

WEBROOT, INC. and OPEN TEXT, INC.,

Plaintiffs

v.

TREND MICRO INC.,

Defendant.

NO. 6:22-cv-239-ADA-DTG

JURY TRIAL DEMANDED

TREND MICRO INC.,

Counter-Plaintiff

v.

WEBROOT, INC. and OPEN TEXT, INC.,

Counter-Defendants,

and

OPEN TEXT CORP.

Counter-Defendant.

**DECLARATION OF MATTHIAS KAMBER IN SUPPORT OF DEFENDANT TREND
MICRO INC.’S MOTION TO TRANSFER**

I, Matthias Kamber, declare as follows:

1. I am an attorney with the law firm Paul Hastings LLP and counsel for Defendant Trend Micro Inc. (“Trend Micro”). I have personal knowledge of the facts contained in the declaration and, if called upon to do so, I could and would testify competently to the matters set forth herein.

2. Webroot, Inc. (“Webroot”) and Open Text, Inc. (“Open Text”) (collectively, “Plaintiffs”) asserted U.S. Patent Nos. 8,418,250 (“250 Patent”), 8,726,389 (“389 Patent”),

9,578,045 (“’045 Patent”), 10,257,244 (“’244 Patent”), 10,284,591 (“’591 Patent”), 10,599,844 (“’844 Patent”), 11,409,869 (“’869 Patent”), 8,856,505 (“’505 Patent”), 8,201,243 (“’243 Patent”), 8,719,932 (“’932 Patent”), and 8,181,244 (“’244 Patent”) (collectively, the “Asserted Patents”) against Trend Micro.

3. Attached hereto as Exhibit 1 is a true and correct copy of the website for Open Text’s “Global office locations,” listing Open Text’s U.S. headquarters in Menlo Park, CA.

4. Attached hereto as Exhibit 2 is a true and correct copy of Webroot’s “Contact Us” webpage, listing an office in San Jose, CA.

5. Attached hereto as Exhibit 3 is a true and correct copy of Trend Micro’s “Contact Locations” webpage, listing office locations in California and Texas.

6. Attached hereto as Exhibit 4 is a true and correct copy of an “Open Text Investor Presentation,” listing the location of Open Text executives.

7. Attached hereto as Exhibit 5 is a true and correct copy of the LinkedIn profile for Sharada Achanta, listing her location as the San Francisco Bay Area.

8. Attached hereto as Exhibit 6 is a true and correct copy of the LinkedIn profile for Jiachu Zhao, listing her location as Sunnyvale, California.

9. Attached hereto as Exhibit 7 is a true and correct copy of the LinkedIn profile for Phanindra Nukala, listing her location as Santa Clara, California.

10. Attached hereto as Exhibit 8 is a true and correct copy of the LinkedIn profile for Sam Kumarsamy, listing his location as San Jose, California.

11. Attached hereto as Exhibit 9 is a true and correct copy of the LinkedIn profile for Yixin Ma, listing his location as Sunnyvale, California.

12. Attached hereto as Exhibit 10 is a true and correct copy of the LinkedIn profile for Chunxue Luo, listing her location as San Jose, California.

13. Attached hereto as Exhibit 11 is a true and correct copy of the LinkedIn profile for Arto Toivola, listing his location as the San Francisco Bay Area.

14. Attached hereto as Exhibit 12 is a true and correct copy of the LinkedIn profile for Shaun Sullivan, listing his location as the San Francisco Bay Area.

15. Attached hereto as Exhibit 13 is a true and correct copy of the website for “Open Text Patent Information” listing Open Text products protected by the asserted patents.

16. Attached hereto as Exhibit 14 is a true and correct copy of Plaintiffs’ July 12, 2022 Infringement Contentions.

17. Attached hereto as Exhibit 15 is a true and correct copy of Plaintiffs’ October 25, 2022 Infringement Contentions.

18. Attached hereto as Exhibit 16 is a true and correct copy of Trend Micro’s Third Supplemental Rule 26 Initial Disclosures in *Intellectual Ventures I LLC v. Trend Micro Incorporated et al*, listing current and former Trend Micro employees as individuals likely to have discoverable information.

19. Attached hereto as Exhibit 17 is a true and correct copy of Trend Micro’s Preliminary Invalidity Contentions.

20. Attached hereto as Exhibit 18 is a true and correct copy of flights from San Francisco, California to Taipei City, Taiwan identified by Google Flights and sorted by nonstop flights.

21. Attached hereto as Exhibit 19 is a true and correct copy of flights from Waco, Texas to Taipei City, Taiwan identified by Google Flights and sorted by nonstop flights.

22. Attached hereto as Exhibit 20 is a true and correct copy of flights from Dallas, Texas to Taipei City, Taiwan identified by Google Flights and sorted by nonstop flights.

23. Attached hereto as Exhibit 21 is a true and correct copy of the website “About McAfee,” listing McAfee’s corporate headquarters in San Jose, California.

24. Attached hereto as Exhibit 22 is a true and correct copy of the LinkedIn profile for Reza Yoosoofmiya, listing her location as Santa Clara, California.

25. Attached hereto as Exhibit 23 is a true and correct copy of the LinkedIn profile for Jianda Lee, listing his location as the San Francisco Bay Area.

26. Attached hereto as Exhibit 24 is a true and correct copy of the LinkedIn profile for Jessie Keung, listing his location as Cupertino, California.

27. Attached hereto as Exhibit 25 is a true and correct copy of the LinkedIn profile for Simon Ko, listing his location as Cupertino, California.

28. Attached hereto as Exhibit 26 is a true and correct copy of the LinkedIn profile for Krystine Liang, listing her location as San Jose, California.

29. Attached hereto as Exhibit 27 is a true and correct copy of Trend Micro's Witness List from *Intellectual Ventures I LLC v. Trend Micro Incorporated et al*, listing current and former Trend Micro employees as trial witnesses.

30. Attached hereto as Exhibit 28 is a true and correct copy of Trend Micro's Trial Witness List from *Implicit, LLC v. Trend Micro Inc.*, listing current and former Trend Micro employees as trial witnesses.

31. Attached hereto as Exhibit 29 is a true and correct copy of U.S. Patent No. 8,051,487.

32. Attached hereto as Exhibit 30 is a true and correct copy of the LinkedIn profile for Yinglian Xie, listing his location as Mountain View, California.

33. Attached hereto as Exhibit 31 is a true and correct copy of the LinkedIn profile for George Kurtz, listing his location as San Jose, California.

34. Attached hereto as Exhibit 32 is a true and correct copy of a LexMachina report regarding federal district court cases in the Northern District of California.

35. Attached hereto as Exhibit 33 is a true and correct copy of a LexMachina report regarding federal district court cases for Judge Albright.

36. Attached hereto as Exhibit 34 is a true and correct copy of a LexMachina report regarding patent cases in the Northern District of California.

37. Attached hereto as Exhibit 35 is a true and correct copy of a LexMachina report regarding patent cases for Judge Albright.

38. Attached hereto as Exhibit 36 is a true and correct copy of a LexMachina report regarding open patent cases for Judge Albright.

39. Attached hereto as Exhibit 37 is a true and correct copy of a LexMachina report regarding open patent cases in the Northern District of California.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of November in Palo Alto, California.

/s/ Matthias Kamber

Matthias Kamber